

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x Index No.
WILLIAM CHEN, DAVID K.Y. WONG, and
LINDEN PLACE ENTERPRISES, LLC,

Plaintiffs,

-against-

VERIFIED COMPLAINT

THE CITY OF NEW YORK, NEW YORK POLICE
DEPARTMENT, 109TH PRECINCT,
LIEUTENANT ANTHONY KOTARSKI
SERGEANT CHARLES MCDONALD,
POLICE OFFICER STEPHANIE STEWART,
POLICE OFFICER DOMINIC CAPPIELLO,
POLICE OFFICERS "JOHN DOE" One through Ten,
the names being fictitious but intended to be additional
Police Officers of the 109th Precinct who engaged in illegal
and negligent behavior against claimants as set forth below,
and THE NEW YORK CITY DEPARTMENT OF CORRECTIONS,

Defendants.

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Plaintiffs, by their attorneys, VALERIE J. CROWN, ATTORNEY AT LAW, P.C.,
complaining of the defendants herein, respectfully set forth and allege, upon information and belief:

1. That at all times hereinafter mentioned, plaintiff WILLIAM CHEN (hereinafter referred to as "CHEN") was and still is a resident of the County of Queens, State of New York.
2. That at all times hereinafter mentioned, plaintiff DAVID K.Y. WONG (hereinafter referred to as "WONG") was and still is a resident of Queens County, State of New York.
3. That at all times hereinafter mentioned, plaintiff LINDEN PLACE ENTERPRISES, LLC. (hereinafter referred to as "LINDEN") was a domestic limited liability corporation duly organized and existing under and by virtue of the laws of the state of New York.

4. That at all times hereinafter mentioned, plaintiff WONG was and still is the sole proprietor and shareholder of a catering facility and restaurant, owned by LINDEN, operated by WONG, managed by CHEN, and known as LINDEN PLACE.

5. Upon information and belief, that at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK (hereinafter referred to as "CITY"), was and still is a municipal corporation duly organized and existing under and by virtue of the laws of the County of New York, City of New York, and State of New York.

6. Upon information and belief, that at all times hereinafter mentioned, the defendant, THE NEW YORK CITY POLICE DEPARTMENT (hereinafter referred to as "POLICE"), was and still is a municipal corporation duly organized and existing under and by virtue of the laws of the County of New York, City of New York, and State of New York.

7. Upon information and belief, that at all times hereinafter mentioned, defendant POLICE was and still is a public authority existing under and by virtue of the laws of the City and State of New York.

8. Upon information and belief, that at all times hereinafter mentioned, defendant POLICE was and still is a quasi-municipal organization formed and created as a functioning arm and branch of defendant CITY pursuant to constitutions, statute, ordinance, rules, regulations and the Administrative Code of the City and State of New York.

9. Upon information and belief, that at all times hereinafter mentioned, defendant 109th PRECINCT (hereinafter referred to as "PRECINCT") was and still is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

10. Upon information and belief, that at all times hereinafter mentioned, defendant PRECINT was and still is a public authority, existing under and by virtue of the laws of the City and State of New York.

11. Upon information and belief, that at all times hereinafter mentioned, Defendant POLICE managed, maintained and supervised defendant PRECINCT, located in the County of Queens, City of New York, and State of New York.

12. Upon information and belief, that at all times hereinafter mentioned, defendant LIEUTENANT ANTHONY KOTARSKI (hereinafter referred to as “KOTARSKI”) was and still is a Lieutenant with defendant POLICE in the County of Queens, City of New York, and State of New York.

13. Upon information and belief, that at all times hereinafter mentioned, defendant KOTARSKI was and still is a Lieutenant with defendant PRECINCT in the County of Queens, City of New York, and State of New York.

14. Upon information and belief, that at all times hereinafter mentioned, defendant KOTARSKI was a specialist in the field of policing and held himself out to the public as being proficient as such, in the County of Queens, City of New York, and State of New York.

15. Upon information and belief, and at all times hereinafter mentioned, defendant KOTARSKI was employed by defendant POLICE and was acting within the scope of his employment and authority.

16. Upon information and belief, that at all times hereinafter mentioned, defendant KOTARSKI was employed by defendant PRECINCT and was acting within the scope of his employment and authority.

17. Upon information and belief, that at all times hereinafter mentioned, defendant SERGEANT CHARLES MCDONALD (hereinafter referred to as "MCDONALD") was and still is a Sergeant with defendant POLICE in the County of Queens, City of New York, and State of New York.

18. Upon information and belief, that at all times hereinafter mentioned, defendant MCDONALD was a specialist in the field of policing and held himself out to the public as being proficient as such in the County of Queens, City of New York, and State of New York.

19. Upon information and belief, that at all times hereinafter mentioned, defendant MCDONALD was employed by defendant POLICE and was acting within the scope of his employment and authority.

20. Upon information and belief, that at all times hereinafter mentioned, defendant MCDONALD was employed by defendant PRECINCT and was acting within the scope of his employment and authority.

21. Upon information and belief, that at all times hereinafter mentioned, defendant POLICE OFFICER STEPHANIE STEWART (hereinafter referred to as "STEWART") was and still is a Police Officer with the defendant POLICE in the County of Queens, City of New York, and State of New York.

22. Upon information and belief, that at all times hereinafter mentioned, defendant STEWART was a specialist in the field of policing and held herself out to the public as being proficient as such in the County of Queens, City of New York, and State of New York.

23. Upon information and belief, that at all times hereinafter mentioned, defendant STEWART was employed by defendant POLICE and was acting within the scope of her employment and authority.

24. Upon information and belief, that at all times hereinafter mentioned, defendant STEWART was employed by defendant PRECINCT and was acting within the scope of her employment and authority.

25. Upon information and belief, that at all times hereinafter mentioned, defendant POLICE OFFICER DOMINIC CAPPIELLO (hereinafter referred to as “CAPPIELLO”) was and still is a Police Officer with the defendant POLICE in the County of Queens, City of New York, and State of New York.

26. Upon information and belief, that at all times hereinafter mentioned, defendant CAPPIELLO was a specialist in the field of policing and held himself out to the public as being proficient as such in the County of Queens, City of New York, and State of New York.

27. Upon information and belief, that at all times hereinafter mentioned, defendant CAPPIELLO was employed by defendant POLICE and was acting within the scope of his employment and authority.

28. Upon information and belief, that at all times hereinafter mentioned, defendant CAPPIELLO was employed by defendant PRECINCT and was acting within the scope of his employment and authority.

29. Upon information and belief, that at all times hereinafter mentioned, defendant POLICE OFFICERS “JOHN DOE” One through Ten, the names being fictitious but intended to be additional Police Officers of the 109th Precinct who engaged in illegal and negligent behavior

against claimants as set forth below (hereinafter collectively referred to as “JOHN DOES”) were and still are Police Officers with the defendant POLICE in the County of Queens, City of New York, and State of New York.

30. Upon information and belief, that at all times hereinafter mentioned, defendants JOHN DOES were and still are specialists in the field of policing and held themselves out to the public as being proficient as such in the County of Queens, City of New York, and State of New York.

31. Upon information and belief, that at all times hereinafter mentioned, defendants JOHN DOES were employed by defendant POLICE and were acting within the scope of their employment and authority.

32. Upon information and belief, that at all times hereinafter mentioned, defendants JOHN DOES were employed by defendant PRECINCT and were acting within the scope of their employment and authority.

33. Upon information and belief, that at all times hereinafter mentioned, the defendant, THE NEW YORK CITY DEPARTMENT OF CORRECTIONS (hereinafter referred to as “CORRECTIONS”), was and still is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

34. Upon information and belief, that at all times herein, defendant CORRECTIONS was and still is a public authority existing under and by virtue of the laws of the City and State of New York.

35. Upon information and belief, that at all times herein, defendant CORRECTIONS was and still is a quasi-municipal organization formed and created as a functioning arm and branch

of defendant CITY pursuant to constitutions, statutes, ordinances, rules, regulations and the Administrative Code of the City and State of New York.

36. On February 25, 2014, and within the time prescribed by law, duly sworn Notices of Claim, stating among other things, the time when and place where the injuries and damages were sustained, together with the demands, of the above-captioned plaintiffs, for adjustment thereof, were duly served on the plaintiffs' behalf on THE CITY OF NEW YORK and that thereafter THE CITY OF NEW YORK has refused or neglected, for more than thirty (30) days and up to the commencement of this action, to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

37. On February 25, 2014, and within the time prescribed by law, duly sworn Notices of Claim, stating among other things, the time when and place where the injuries and damages were sustained, together with the demands, of the above-captioned plaintiffs, for adjustment thereof, were duly served on the plaintiffs' behalf on THE NEW YORK CITY POLICE DEPARTMENT and that thereafter THE NEW YORK CITY POLICE DEPARTMENT has refused or neglected, for more than thirty (30) days and up to the commencement of this action, to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

38. On February 25, 2014, and within the time prescribed by law, duly sworn Notices of Claim, stating among other things, the time when and place where the injuries and damages were sustained, together with the demands, of the above-captioned plaintiffs, for adjustment thereof, were duly served on the plaintiffs' behalf on THE NEW YORK CITY DEPARTMENT OF CORRECTIONS and that thereafter THE NEW YORK CITY DEPARTMENT OF

CORRECTIONS has refused or neglected for more than thirty (30) days and up to the commencement of this action to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

39. That this action is commenced within one year and ninety days since the said causes of action arose and within one year of the date of dismissal of all criminal charges as to the defendants and within one year of the ongoing and continuing acts of libel and slander.

**AS FOR THE FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF
CHEN FOR FALSE ARREST, MALICIOUS PROSECUTION, AND ABUSE
OF PROCESS AGAINST ALL DEFENDANTS**

40. That on or about November 30, 2013, while plaintiff CHEN was the manager of LINDEN PLACE and on duty, from approximately 11:30 p.m. through on or about December 1, 2013, at approximately 2:00 a.m., at the aforesaid catering facility and restaurant, known as LINDEN PLACE ENTERPRISES, LLC, and located at 34-20 Linden Place, Flushing, in the County of Queens, City and State of New York, plaintiffs were hosting a wedding, and plaintiff LINDEN was operating under and with a valid New York State Liquor Authority issued liquor license.

41. That at the aforesaid time and place, the defendants, their agents, servants, and/or employees raided LINDEN during the wedding; physically pushed and unlawfully placed hands on plaintiff CHEN in a threatening and injurious manner; verbally and physically abused plaintiff CHEN; falsely arrested and imprisoned plaintiff CHEN; confiscated and removed more than seventy cases of alcohol from LINDEN; disregarded the fully valid and effective Liquor License; destroyed the Liquor License glass frame; and destroyed other property on the aforesaid premises.

42. That at the aforesaid time and place, defendants, their agents, servants, and/or employees verbally and physically abused plaintiff CHEN; humiliated and embarrassed plaintiff CHEN in front of the wedding party and guests as well as other agents, servants, and/or employees of the catering facility; acted in complete disregard of the actual and constructive knowledge that the liquor license of the catering facility was in full force and effect, and more particularly, the defendants, their agents, servants, and/or employees acted with malicious intent and abuse of process with the express intention of harming plaintiff CHEN and instilling fear in plaintiff CHEN; further acted without just right, without probable cause, and without grounds therefore; plaintiff CHEN was “roughed up”, issued an arrest ticket, and hauled off in a police car to a jail where he was forced to spend more than twenty-four (24) hours in confinement without his diabetes or heart medicine notwithstanding his numerous requests for his medication; defendants, their agents, servants and employees intended to and did confine claimant; claimant was conscious of the confinement, did not consent to the confinement, and confinement was not otherwise privileged.

43. That the foregoing acts constitute false arrest, malicious prosecution, and abuse of process in that false arrests were made during the night of November 30, 2013 into the early morning of December 1, 2013 as stated above, along with the improper confinement of plaintiff CHEN, and the improper confiscation of more than seventy cases of alcohol, which was subsequently held unlawfully.

44. That all criminal charges, against Plaintiff CHEN, were dismissed on February 21, 2014.

45. That the causes of action alleged herein fall within one or more of the exemptions set

forth in CPLR 1602.

46. That by reason of the foregoing false arrest, malicious prosecution, and abuse of process, plaintiff CHEN demands punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFF
CHEN FOR VIOLATION OF CONSTITUTIONAL RIGHTS PURSUANT TO 42 USC
SECTIONS 1981, 1983, and 1985 AS AGAINST ALL DEFENDANTS**

47. Plaintiff CHEN repeats and realleges each and every allegation set forth above with the same force and effect as though set forth herein at length.

48. The above acts and omissions of the defendants, their agents, servants, and or/employees, and more particularly, in that defendants abused the process, falsely arrested, and maliciously prosecuted CHEN and acted with a reckless disregard of the health and safety of CHEN and were deliberately indifferent, causing severe bodily injury to CHEN and severe emotional distress—all of which constitute a violation of CHEN's constitutional rights pursuant to 42 USC Sections 1981, 1983, and 1985, and further constitute violations of rights and privileges under the United States Constitution and the Constitution and laws of the State of New York.

49. Defendants, their agents, servants, and employees, and more particularly, the police & correctional officers displayed a deliberate indifference to the needs of the person in their custody for medications, and their deprivation of his medications, when they knew of the probability that such deprivation would most probably cause him serious and severe medical harm, contrary to their

own rules, regulations, guidelines and the laws and constitutions of the State of New York and of the United States of America.

50. That by reason of the above, plaintiff became sick, sore, lame, bruised and disabled, sustained serious injuries in and about divers parts of her body, experienced great pain and suffering, and plaintiff suffers and continues to suffer from said injuries, and plaintiff has been informed that, and verily believes, said injuries are of a permanent nature, and plaintiff was incapacitated for a long period of time and plaintiff was obliged to and did incur expenses for medical care, treatment and attention and will in the future be required to expend additional sums of money for such medical care, treatment and attention.

51. That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

52. That by reason of the reckless disregard of the rights, health, and safety of plaintiff CHEN and the violation of his constitutional rights pursuant to 42 USC Sections 1981, 1983, and 1985 and violations of rights and privileges under the United States Constitution and the Constitution and laws of the State of New York, plaintiff CHEN demands punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF PLAINTIFF
CHEN FOR ASSAULT AND BATTERY AS AGAINST ALL DEFENDANTS**

53. Plaintiff CHEN repeats and realleges each and every allegation set forth above with the same force and effect as though set forth herein at length.

54. That defendants, acting in concert, placed hands on plaintiff CHEN; verbally and physically abused plaintiff CHEN; and unlawfully touched plaintiff CHEN in a physically threatening and injurious manner.

55. That the above acts and omissions of the defendants, their agents, servants, and or/employees, caused severe bodily injury and severe emotional distress to CHEN—all of which constitute an assault and battery.

56. That by reason of the above, plaintiff became sick, sore, lame, bruised and disabled, sustained serious injuries in and about divers parts of her body, experienced great pain and suffering, and plaintiff suffers and continues to suffer from said injuries, and plaintiff has been informed that, and verily believes, said injuries are of a permanent nature, and plaintiff was incapacitated for a long period of time and plaintiff was obliged to and did incur expenses for medical care, treatment and attention and will in the future be required to expend additional sums of money for such medical care, treatment and attention.

57. That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

58. That by reason of the aforesaid assault and battery, plaintiff CHEN demands

punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF
CHEN FOR INTENTIONAL AND/OR NEGLIGENT INFLECTION OF EMOTIONAL
DISTRESS AS AGAINST ALL DEFENDANTS**

59. Plaintiff CHEN repeats and realleges each and every allegation set forth above with the same force and effect as though set forth herein at length.

60. That the above acts and omissions of the defendants, their agents, servants, and or/employees, caused severe bodily injury and severe emotional distress to CHEN—all of which constitute intentional and/or negligent infliction of emotional distress to plaintiff CHEN.

61. That by reason of the above, plaintiff became sick, sore, lame, bruised and disabled, sustained serious injuries in and about divers parts of her body, experienced great pain and suffering, and plaintiff suffers and continues to suffer from said injuries, and plaintiff has been informed that, and verily believes, said injuries are of a permanent nature, and plaintiff was incapacitated for a long period of time and plaintiff was obliged to and did incur expenses for medical care, treatment and attention and will in the future be required to expend additional sums of money for such medical care, treatment and attention.

62. That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

63. That by reason of the aforesaid, plaintiff CHEN demands punitive damages in the

amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF
CHEN FOR NEGLIGENCE AND GROSS NEGLIGENCE AS AGAINST ALL
DEFENDANTS**

64. Plaintiff CHEN repeats and realleges each and every allegation set forth above with the same force and effect as though set forth herein at length.

65. At the aforesaid time and place, defendants, their agents, servants, and/or employees were grossly negligent and negligent in failing to use such care in the performance of police/correctional officer duties as a reasonably prudent and careful police/correctional officer would have used under similar circumstances, in permitting the police/correctional officers to continue to perform their duties in an improper, negligent, careless and reckless manner all without any negligence on the part of the plaintiff CHEN contributing thereto; defendants, their agents, servants and employees were negligent in hiring, and retaining a person or persons who were unfit to serve as police/correctional officers and who were known or should have been known to have dangerous propensities and lack of proper temperament, in that the defendants, their agents, servants and employees failed to exercise reasonable precautions in employing these police/correctional officers by failing to properly investigate their backgrounds and would have determined that they were unfit to serve as police/correctional officers all without any negligence on the part of the plaintiff CHEN contributing thereto; defendants, their agents servants and employees, were further negligent, in training and instruction of its police/correctional officers by

not exercising care in instructing them as to their deportment, behavior and conduct as police/correctional officers and representatives of the CITY OF NEW YORK and in the training and instruction, among other things, in failing to properly post notification regarding the reinstatement of plaintiff's liquor license and/or in willfully, wantonly and recklessly posting that the plaintiff's liquor license was invalid when they knew or reasonably should have known that the State Liquor Authority had reinstated the liquor license; in failing properly evaluate the plaintiff's rights and/or in in willfully, wantonly and recklessly violating the plaintiff's rights; in failing to ensure that its police/correctional officers will refrain from engaging in false arrests, malicious prosecution, improper use of force, improper confiscation of property, improper and malicious threats, harassment, libel and slander, making false accusations and/or in in willfully, wantonly and recklessly committing the aforesaid acts and all without any negligence on the part of the plaintiffs contributing thereto.

66. That the said injuries were caused through the negligence, gross negligence, carelessness and recklessness of the defendants, their agents, servants and/or employees as set forth above.

67. That by reason of the above, plaintiff became sick, sore, lame, bruised and disabled, sustained serious injuries in and about divers parts of her body, experienced great pain and suffering, and plaintiff suffers and continues to suffer from said injuries, and plaintiff has been informed that, and verily believes, said injuries are of a permanent nature, and plaintiff was incapacitated for a long period of time and plaintiff was obliged to and did incur expenses for medical care, treatment and attention and will in the future

be required to expend additional sums of money for such medical care, treatment and attention.

68. That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

69. That by reason of the aforesaid, plaintiff CHEN demands punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS FOR THE SIXTH CAUSE OF ACTION ON BEHALF OF PLAINTIFFS
DAVID K.Y. WONG and LINDEN PLACE ENTERPRISES, LLC FOR
VIOLATIONS OF CONSTITUTIONAL RIGHTS PURSUANT TO 42 USC SECTIONS
1981, 1983, and 1985 AS AGAINST ALL DEFENDANTS**

70. Plaintiffs WONG and LINDEN repeat and reallege each and every allegation set forth above with the same force and effect as though set forth herein at length.

71. That as of November 30, 2013, plaintiffs owned and operated LINDEN for approximately seven (7) years and had established LINDEN as a catering facility and restaurant.

72. That on or about November 30, 2013 from approximately 11:30 p.m. through on or about December 1, 2013, at approximately 2:00 a.m., at the location known as Linden Place Enterprises, LLC, 34-20 Linden Place, Flushing, in the County of Queens, City and State of New York, defendants, their agents, servants, and/or employees raided the LINDEN during a wedding; falsely arrested and imprisoned plaintiff CHEN, an employee of LINDEN; confiscated and removed more than seventy cases of alcohol from LINDEN; harassed the employees, agents, and/or

servants of the catering facility; wrongfully, maliciously, falsely, carelessly, and recklessly, issued arrest tickets for not posting signs, which were, in fact, clearly posted, and further made threats of shutting down the catering facility forever.

73. That defendants, their agents, servants, and/or employees acted with malicious intent and abuse of process with the express intention of harming the business reputation and business of the plaintiffs WONG and LINDEN; and further acted without just right, without probable cause, and without grounds therefor.

74. That defendants, their agents, servants, and/or employees acted in complete disregard of the actual and constructive knowledge that the liquor license of the catering facility was in full force and effect, and more particularly, plaintiffs' attorneys had mailed the 109th Precinct, to the attention of defendant KOTARSKI, a copy of an Order of the Supreme Court, Queens County, dated September 5, 2013, demonstrating the plaintiff's liquor license is active; defendants, their agents, servants, and/or employees acted with malicious intent and abuse of process with the express intention of harming the business reputation and business of the plaintiffs; and further acted without just right, without probable cause, and without grounds therefor. Plaintiffs WONG and/or LINDEN were required to refund the costs of the wedding.

75. That the aforesaid acts continued day to day up through on or about December 12, 2013 insofar as defendants failed to release the seventy or more cases of alcohol.

76. That on or about Saturday, December 7, 2013 into Sunday December 8, 2013, at approximately, midnight, defendants once again wrongfully raided the catering facility and harassed the employees, agents, and/or servants of the catering facility, wrongfully, maliciously, falsely,

carelessly, and recklessly, issued arrest tickets for not posting signs, which were, in fact, clearly posted, and further made threats of shutting down the catering facility forever.

77. That on or about December 9, 2013 and continuing, defendants wrongfully, maliciously, recklessly, and negligently contacted the prospective tenant(s) of the catering facility for the purpose of financially harming the business and business reputation of claimants and preventing any lease signing between the claimant and any prospective tenant of plaintiffs wrongfully, maliciously, slanderously, and grossly negligently that their businesses were closed down and unable to operate and to do so would be with penalties.

78. That on or about December 31, 2013, at approximately 11:30 p.m. through on or about January 1, 2014, at approximately 2:00 a.m., defendants once again unlawfully and wrongfully raided the plaintiffs' catering facility with the intention to harass claimants and to further damage the plaintiffs' business and business reputation.

79. That on or about January 9, 2014 at approximately noon and continuing, defendants exercised an abuse of process and malicious prosecution by posting "Closed" signs on all entrances to the plaintiffs' building, including a doctor's office and a beauty salon, as well as the catering facility.

80. The foregoing acts constitute a violation of plaintiffs' civil rights pursuant to 42 U.S.C.A. Sections 1981, 1983, and 1985 in that the defendants, their employees, agents, and/or servants of the catering facility were deprived of their rights, privileges and immunities secured by the Constitution and laws of the United States of America by one who, under color of a statute or regulation of a state, caused plaintiffs to be so deprived and defendants, their agents, servants,

and/or employees committed other and further violations of plaintiffs' rights and privileges secured to plaintiffs under the Constitutions of the United States of America and the of State of New York.

81. That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

82. That by reason of the deprivation of plaintiffs' property without due process of law, and the violation of plaintiff's constitutional rights pursuant to 42 USC Sections 1981, 1983, and 1985 and violations of rights and privileges under the United States Constitution and the Constitution and laws of the State of New York, plaintiffs WONG and LINDEN demand punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR A SEVENTH CAUSE OF ACTION ON BEHALF OF
PLAINTIFFS WONG AND LINDEN FOR FALSE ARREST, ABUSE OF PROCESS, AND
MALICIOUS PROSECUTION AS AGAINST ALL DEFENDANTS**

83. Plaintiffs WONG and LINDEN repeat and reallege each and every allegation set forth above with the same force and effect as though set forth herein at length.

84. The foregoing acts constitute abuse of process, false arrests, and malicious prosecution.

85. That all criminal charges against Plaintiffs WONG and LINDEN were dismissed on

February 21, 2014.

86 That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

87. That by reason of the false arrests, abuse of process, and malicious prosecution, plaintiffs WONG and LINDEN demand punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR SLANDER AND
DEFAMATION OF CHARACTER ON BEHALF OF PLAINTIFFS WONG AND
LINDEN AS AGAINST DEFENDANTS WITH THE EXCEPTION OF THE NEW
YORK CITY DEPARTMENT OF CORRECTIONS**

88. Plaintiffs repeat, reiterate, and reallege each and every allegation as if same were set forth herein again at length.

89. That from at least on or about November 30, 2013 and continuing intermittently to at least February 21, 2014 and/or later, defendants, their agents, servants, and/or employees maliciously and intentionally stated orally "LINDEN was operating without a valid liquor license" and "LINDEN should be closed down forever" and further placed "CLOSED" signs on all businesses located at the LINDEN premises including the catering facility, restaurant, beauty salon, and doctor's office.

90. That the foregoing statements exposed WONG and LINDEN to public hatred, contempt, ridicule, and/or disgrace.

91. That the foregoing words referred to WONG and LINDEN insofar as the statements would reasonably be understood to be about the plaintiffs.

92. That the foregoing words were substantially untrue, as LINDEN had a valid State Liquor Authority liquor license.

93. The defendants, their agents, servants, and/or employees uttered these statements negligently, carelessly, and/or recklessly and/or with malice and/or in a grossly irresponsible manner without consideration for the standards of individuals in positions of authority, and more particularly, as police officers and those who have a duty to refrain from making untrue statements and/or failing to use reasonable care under the circumstances to verify the accuracy of the statements, and defendants substantially departed from accepted standards and practices followed by officers of the law.

94. That by reason of the foregoing, plaintiffs WONG and LINDEN have been substantially injured and damaged in their reputation and good name, and have suffered extensive financial damages.

95. That by reason of the slander and defamation of character, plaintiffs WONG and LINDEN demand punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR A NINTH CAUSE OF ACTION FOR LIBEL AND DEFAMATION
OF CHARACTER ON BEHALF OF PLAINTIFFS WONG AND LINDEN AS
AGAINST DEFENDANTS WITH THE EXCEPTION OF THE NEW YORK CITY
DEPARTMENT OF CORRECTIONS**

96. Plaintiffs repeat, reiterate, and reallege each and every allegation as if same

were set forth herein again at length.

97. That from at least on or about November 30, 2013 and continuing intermittently to at least February 21, 2014 and/or later, defendants, their agents, servants, and/or employees maliciously and intentionally placed in writing that “LINDEN was operating without a valid liquor license” and “LINDEN should be closed down forever” and further placed “CLOSED” signs on all businesses located at the LINDEN premises including the catering facility, restaurant, beauty salon, and doctor’s office.

98. That the foregoing statements exposed WONG and LINDEN to public hatred, contempt, ridicule, and/or disgrace.

99. That the foregoing words referred to WONG and LINDEN insofar as the statements would reasonably be understood to be about the plaintiffs.

100. That the foregoing words were substantially untrue, as LINDEN had a valid State Liquor Authority liquor license.

101. The defendants, their agents, servants, and/or employees uttered these statements negligently, carelessly, and/or recklessly and/or with malice and/or in a grossly irresponsible manner without consideration for the standards of individuals in positions of authority, and more particularly, as police officers and those who have a duty to refrain from making untrue statements and/or failing to use reasonable care under the circumstances to verify the accuracy of the statements, and defendants substantially departed from accepted standards and practices followed by officers of the law.

102. That by reason of the foregoing, plaintiffs WONG and LINDEN have been substantially injured and damaged in their reputation and good name, and have suffered extensive financial damages.

103. That by reason of the libel and defamation of character, plaintiffs WONG and LINDEN demand punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR A TENTH CAUSE OF ACTION FOR TORTIOUS INTERFERENCE
WITH BUSINESS ON BEHALF OF PLAINTIFFS WONG AND LINDEN AS
AGAINST ALL DEFENDANTS WITH THE EXCEPTION OF THE NEW YORK
CITY DEPARTMENT OF CORRECTIONS**

104. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in the foregoing paragraphs as if same were set forth herein again at length.

105. That as of November 30, 2013, WONG owned and operated LINDEN for approximately seven (7) years and had established LINDEN as a catering facility and restaurant for various events and that plaintiffs were enjoying success and building a good business reputation as such in the community.

106. That as part of these efforts, WONG, on behalf of LINDEN, entered into agreements with third parties to cater/host the aforesaid events.

107. That the defendants have interfered with the performance of such agreements, which defamed the character, good name, and reputation of plaintiffs WONG and LINDEN.

108. That the defendants have interfered with the performance of such agreements by

engaging in raiding, confiscating, and removing more than seventy (70) cases of alcohol from the catering facility and harassed the employees, agents, and/or servants of the catering facility in front of guests from a wedding reception, that resulted in financial loss, defamation of character, good name, and reputation of WONG and LINDEN—all of which constitute tortious interference of business.

109. That the defendants further committed tortious interference of business, by reason of that on or about December 9, 2013 and continuing, defendants wrongfully, maliciously, recklessly, and negligently contacted the prospective tenant(s) of plaintiffs WONG and/or LINDEN for the purpose of financially harming the business and business reputation of plaintiffs by placing “CLOSED” signs on the premises of plaintiffs and plaintiffs’ tenants, further causing financial harm to plaintiffs and interfering and/or preventing the payment of rent, and the renewal of leases between plaintiffs and tenants and/or any prospective tenant of plaintiffs.

110. On or about January 9, 2014 at approximately noon and continuing, the defendants, their agents, servants, and employees further tortuously interfered with plaintiffs’ business by posting “Closed” signs on all entrances to the plaintiffs’ building, including a doctor’s office and a beauty salon as well as the catering facility.

111. Plaintiffs WONG and LINDEN have suffered pecuniary loss from such failure to perform their duties as a landlord to the tenants and the consequences thereof.

112. Plaintiffs WONG and LINDEN have suffered pecuniary loss from such failure to perform their duties according to the aforesaid catering agreements and as the cater/host of the aforesaid events and the consequences thereof.

113. That by reason of the foregoing, the defendants have tortiously interfered with the business of LINDEN and its positive reputation in the community.

114. That the defendants' acts of tortious interference are so morally culpable as to justify an award of exemplary damages.

115. That by reason of the foregoing, plaintiffs WONG and LINDEN have been substantially injured and damaged in its reputation and good name, and has suffered extensive financial damages.

116. That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

117. That by reason of the defendants' tortious interference with plaintiffs' business, plaintiffs WONG and LINDEN demand punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**AS AND FOR AN ELEVENTH CAUSE OF ACTION ON BEHALF OF
PLAINTIFFS WONG AND LINDEN FOR NEGLIGENCE AND GROSS NEGLIGENCE AS
AGAINST ALL DEFENDANTS**

118. Plaintiffs WONG and LINDEN repeat and reallege each and every allegation set forth above with the same force and effect as though set forth herein at length.

119. At the aforesaid time and place, defendants, their agents, servants, and/or employees were grossly negligent and negligent in failing to use such care in the performance of police/correctional officer duties as a reasonably prudent and careful police/correctional officer

would have used under similar circumstances, in permitting the police/correctional officers to continue to perform their duties in an improper, negligent, careless and reckless manner all without any negligence on the part of the plaintiffs WONG and LINDEN contributing thereto; defendants , their agents, servants and employees were negligent in hiring and retaining a person or persons who were unfit to serve as police/correctional officers and who were known or should have been known to have dangerous propensities and lack of proper temperament, in that the defendants, their agents, servants and employees failed to exercise reasonable precautions in employing these police/correctional officers by failing to properly investigate their backgrounds and would have determined that they were unfit to serve as police/correctional officers all without any negligence on the part of the plaintiffs WONG and LINDEN contributing thereto; defendants, their agents servants and employees, were further negligent, in training and instruction of its police/correctional officers by not exercising care in instructing them as to their deportment, behavior and conduct as police/correctional officers and representatives of the CITY OF NEW YORK and in the training and instruction, among other things, in properly posting notification regarding the reinstatement of plaintiffs' liquor license; in the proper evaluation of the plaintiff's rights; in failing to ensure that its police/correctional officers will refrain from engaging in false arrests, malicious prosecution, improper use of force, improper confiscation of property, improper and malicious threats, harassment, libel and slander, making false accusations and all without any negligence on the part of the plaintiffs contributing thereto.

120. The foregoing acts constitute negligence and gross negligence in failing to use such care in the performance of police duties as a reasonably prudent and careful police officer would have used under similar circumstances, in permitting the police officers to continue to perform their

duties in an improper, negligent, careless and reckless manner all without any negligence on the part of the plaintiffs contributing thereto. Defendants, their agents, servants and employees were further negligent in hiring and retaining a person or persons who were unfit to serve as police officers and who it knew or should have known had dangerous propensities and lack of proper temperament, in that the Defendants, their agents, servants and employees failed to exercise reasonable precautions in employing these police officers by failing to properly investigate their backgrounds and would have determined that they were unfit to serve as police officers all without any negligence on the part of the claimants contributing thereto.

121. Defendants, their agents servants and employees, were further negligent, in training and instruction of its police officers by not exercising care in instructing them as to their deportment, behavior and conduct as police officers and representatives of the CITY OF NEW YORK and in the training and instruction, among other things, in properly posting notification regarding the reinstatement of claimants' liquor license; in the proper evaluation of the claimants' rights; in failing to ensure that its police officers will refrain from engaging in false arrests, malicious prosecution, improper use of force, improper confiscation of property, improper and malicious threats, harassment, libel and slander, making false accusations and all without any negligence on the part of the plaintiffs contributing thereto.

122. That the causes of action alleged herein fall within one or more of the exemptions set forth in CPLR 1602.

123. That by reason of the aforesaid, plaintiffs WONG and LINDEN demand punitive damages in the amount of ONE MILLION DOLLARS and compensatory damages in a sum that

exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

WHEREFORE, plaintiff CHEN, on the First, Second, Third, Fourth, and Fifth Causes of Action, demands judgment against the defendants, for punitive damages each in the amount of ONE MILLION DOLLARS and in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction together with the costs and disbursements of this action, together with costs and disbursements; and plaintiffs WONG and LINDEN, on the Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Causes of Action, demand judgment against the defendants, for punitive damages each in the amount of ONE MILLION DOLLARS and in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction together with the costs and disbursements of this action, together with costs and disbursements.

Dated: New City, New York
February 20, 2015

Yours, etc.

VALERIE J. CROWN
ATTORNEY AT LAW, P.C.

By: 

VALERIE J. CROWN, ESQ.
ATTORNEY FOR PLAINTIFFS
151 NORTH MAIN STREET
4TH FLOOR
NEW CITY, NY 10956
845-708-5900

STATE OF NEW YORK)
COUNTY OF ROCKLAND) ss.:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and say that:

I am the attorney of record, or of counsel with the attorney of record, for plaintiff. I have read the annexed **VERIFIED COMPLAINT**, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge is based upon records, reports, data and documents in the file, investigations made and conversations had with plaintiff.

The reason I make this affirmation instead of plaintiff is that plaintiff does not presently reside in the county wherein deponent has her office.

I affirm that the foregoing statements are true under penalties of perjury.

Dated: New City, New York
February 20, 2015



VALERIE J. CROWN